



Date: March 6, 2017
To: Patrick H. West, City Manager *T.H.W.*
From: *C.B.* Craig A. Beck, Director of Public Works
For: Mayor and Members of the City Council

Subject: Update on the Oversized Vehicle and RV Parking Restriction Program

The City Council requested the City Manager, in consultation with the City Attorney's Office, to provide an update on oversized and recreational vehicle parking issues and options to address neighborhood concerns. This memorandum responds to this request.

Background

The residents of many neighborhoods throughout the City have complained about oversized and recreational vehicle (RV) impacts, especially related to parking. This is happening not just in residential areas, but along commercial corridors as well. The problem is further exacerbated in neighborhoods that lack adequate parking for its residents, where an RV can take three or four normal-sized parking spaces. These large vehicles can sometimes create sight distance issues at intersections, driveways and alleys.

Additional concerns have been expressed about RVs occupied by people with no permanent residence. In these situations, which primarily occur along the City's commercial corridors, the City receives complaints of trash and debris (in some cases human waste) left in the public right-of-way, and crime.

The City has enforcement tools available to address some of these issues, but they are somewhat out of date and inconsistent with neighboring communities. The Long Beach Municipal Code (LBMC) and California Vehicle Code have several sections defining parking restrictions for oversized vehicles and RVs. When reviewed together, these sections can be confusing and appear to be contradictory. For example, one section requires that signs must be posted to restrict the parking of oversized vehicles and RVs, whereas another section requires a permit for oversized vehicles and RVs to park on residential streets. Thus, there appears to be some ambiguity as to whether a permit is required in residential areas at all times, or only when oversized vehicle and RV parking prohibitions are posted. The LBMC also currently prohibits persons from living in vehicles Section 10.18.040.

In discussions with the City Attorney's Office, there is concern that the current LBMC stipulates that parking restrictions can only be enforced if signs stating the specific restrictions are posted.

Council Topics for Further Review

At the October 14, 2016 meeting, the City Council asked for additional information on 13 unique topic areas regarding oversized vehicles and RVs. These topics are listed below and described in more detail throughout the document.

1. **Business district banning of oversized vehicles RVs** – Some streets already have an overnight ban on all vehicles in commercial/industrial areas where parking is prohibited from 2:00 a.m. to 5:00 a.m. This overnight restriction can be implemented in other areas on a case by case basis. Parking time limits and/or parking meters can be used to prohibit oversized vehicles and RVs from parking in commercial/retail areas.
2. **Application at service roads and access roads** – Use similar restrictions as in residential neighborhoods. Oversized vehicles and RVs parked along service roads can still be an eyesore and safety hazard.
3. **Prohibited parking in front of businesses** – See Item #1.
4. **Definition of commercial corridors** – No changes would be made to the existing definition of commercial and retail corridors, these corridors would continue to be defined based on zoning code.
5. **Addressing Coastal Commission issues including coastal zones, possible coastal development permits and the impact on local coastal plan** – This item is discussed in the next section. A citywide ban may not be approved by the Coastal Commission based on recent rulings.
6. **Pilot options** – Staff recommends full implementation without a pilot program.
7. **Increasing the number of parking hours in front of residential houses from 48 hours to 72 hours** – This recommendation can be implemented with a change to the LBMC and is consistent with nearby cities and the current on-street parking time limits.
8. **Possible tools to allow for parking in front of residential houses** – Recommend extending oversized vehicles and RV parking hours allowed and revised use of on-line permit application. This item is discussed in more detail below.
9. **The number of hours would be different – in front of businesses would be less than in front of residential** – Current parking time limits in commercial areas would continue to be used. Permitted time limit would continue on residential streets.
10. **Public safety of illegal dumping** – Dumping waste of any kind is illegal based on local and state laws. This is described in detail below.
11. **Notice requirements to implement signage** – Currently, no notice is required to install oversized vehicle and RV restriction signage. Enforcement would be complaint-based, as there is no recommendation to increase parking enforcement budget for additional staff.

12. **Cost to post signs citywide or at city entrances** – The cost to post signs citywide would be \$7 million and \$18,000 at city entry points.
13. **Cost to enforce** – Enforcement would be complaint-based; no additional staffing is recommended.

Coastal Commission Requirements

The California Coastal Commission (CCC) would need to review and approve any restrictions that could be perceived as negatively impacting public access to the coastal area. This would be inconsistent with the Local Coastal Program, which requires that public access be provided to people of all income levels, including those living in RVs. The City of Santa Cruz enacted a citywide ban that was appealed and denied by the CCC because the short-term permitting process allowed overnight RV parking only for adjacent property owners or guests. It is possible that a citywide ban would be denied by the CCC based on recent rulings, if the ban precludes coastal access.

Once City Council passes a citywide oversized vehicle and RV ordinance and a resolution requesting the CCC certify the changes to the Local Coastal Program, staff would submit the ordinance to the CCC for certification. CCC would hold a public hearing on the request within three months, unless Coastal staff requests a one-year extension. Prior to going to City Council, and after the draft language of the ordinance has been established, staff would schedule a meeting with the CCC to get their feedback on the draft language.

Enforcement/Legality of LBMC Section 10.18.040

LBMC Section 10.18.040 states: “No person shall use or occupy any recreational vehicle, trailer coach, camper, van or other vehicle on any public street for human habitation or camping purposes.”

This regulation, adopted in 1985, is rarely used, according to Health Department staff, who focus their efforts instead on outreach and services. Similar ordinances are in effect in cities throughout the state, but their validity has been called into question by several recent federal court decisions stemming from enforcement in the City of Los Angeles.

The Los Angeles City Council adopted their ordinance in 1983. In 2010, the City of Los Angeles received numerous complaints about homeless people living in vehicles on public streets. According to the complaints, these individuals were dumping trash and human waste on streets and parkways and endangering public health. In response to these complaints, the City “announced a renewed commitment to enforcing [Los Angeles Municipal Code] Section 85-02” and created a Los Angeles Police Department task force to issue citations and make arrests.

Following the issuance of several citations and multiple arrests under Section 85.02, a group of homeless individuals brought a 42 U.S.C. § 1983 action lawsuit against Los Angeles. In *Desertrain v. City of Los Angeles* (9th Cir, 2014), the court found the Los Angeles ordinance was unconstitutionally vague and overbroad because it did not adequately identify prohibited conduct and encouraged arbitrary and discriminatory enforcement. As a result, Los Angeles recently repealed their ordinance and is replacing it with a regulation that defines vehicle

recently repealed their ordinance and is replacing it with a regulation that defines vehicle dwelling and prohibits it on any street adjoining a single family or multi-family residentially-zoned parcel between 9:00 p.m. and 6:00 a.m. It also prohibits dwelling in vehicles at any time within a one-block radius of certain sensitive uses, specifically parks or licensed schools, preschools or daycare facilities. The new ordinance will be enforced in connection with the City's new Safe Parking Pilot Program (see "Regulations of Other Cities"), in ways that are workable with the population served -- for example, a schedule of graduated infractions and a court diversion program.

The Ninth Circuit's ruling in the *Desertrain* case is precedent for the City of Long Beach, and it is not recommended that LBMC Section 10.18.040 be used as a current enforcement tool. If that is the direction of the City Council, it is recommended that a new ordinance be adopted that is similar in specificity to Los Angeles.

Illegal Dumping

LBMC Section 8.60.111 states: "Throwing rubbish and refuse on public right-of-way or storm drain system prohibited." It further states:

"No person shall put, place, sweep, throw, brush or in any other manner deposit any refuse, litter, vegetation, or any other waste in or on any public right-of-way or any portion of the storm drain system, including, but not limited to, streets, gutters, sidewalks, parkways and alleys. This Section shall not be construed to prohibit the placing of any required rubbish containers upon any sidewalk, street or alley in compliance with the provisions of the sections governing the collection of waste or rubbish."

Dumping waste on to the public right-of-way from a vehicle is a violation of several local and state laws. In addition to LBMC Section 8.60, others include:

1. California Penal Code 374.3 – prohibits discharge of any kind from a vehicle.
2. LBMC Sections 8.96.050 and 8.96.060 – illicit discharge to storm system.
3. California Health and Safety Code 5411 – No person shall discharge sewage or other waste, or the effluent of treated sewage or other waste, in any manner which will result in contamination, pollution or a nuisance.
4. California Health and Safety Code 5411.5 – shall immediately notify the local health officer or the director of environmental health of the discharge.
5. California Health and Safety Code 5412.5 – reimbursement for clean-up costs.

Posting of Signs

The California Vehicle Code (CVC) limits the methods through which the City may impose parking restrictions. CVC Section 21 provides that "no local authority shall enact or enforce any ordinance on the matters covered by this code, unless expressly authorized." CVC Section 22507 allows a city to restrict parking on streets or highways by ordinance or

resolution; CVC Section 22507(a) states that “the ordinance ... shall not apply until signs or markings giving adequate notice thereof have been placed.”

LBMC Section 10.24.077 et seq. sets forth current ordinance requirements, commencing with “Where posted, no person who owns, has custody or control of an oversized vehicle as defined... shall cause it to be parked on any public street.” Posting of signs on affected blocks, is therefore, required prior to enforcement. The LBMC currently allows oversized vehicle and RV parking restrictions either upon the determination of the City Traffic Engineer that such parking creates a hazard or by the consensus of affected residents of a block.

However, many cities have enacted citywide bans on oversized vehicle and RV parking in residential areas. Since the ordinance applies to all residential areas, cities have posted signs giving notice of the prohibition at all city entrances. This practice is permitted; however, in Homes on Wheels v. Santa Barbara (2004), a court found that the city had not posted all entrance points to the city, and invalidated its ordinance, even though Santa Barbara had posted 33 locations.

The court noted that the City's evidence was insufficient to show adequate posting because. “...a motorist, unaware of the restrictions, could enter the City, park on a non-posted street and be cited. That is the classic trap for the unwary that the Legislature wanted to prevent.”

If the City desires a citywide parking restriction on oversized vehicles and RVs in residential areas, the LBMC must be amended. The language of the regulation should follow that of an established parking program, such as Santa Monica's. As noted above, the California Coastal Commission would have to be consulted for any impacts to areas in the Local Coastal Program. Once the change is made to the LBMC, the City should carefully and systematically document its determination of City entry points for posting of the signs, using language that gives adequate notice of the restriction. Staff is recommending the posting of oversized vehicle parking prohibition signs at all streets entering the City of Long Beach. Prior to posting the signs, flyers alerting residents of this change are to be mailed in utility bills.

Regulations of Other Cities

For your consideration, the following is a summary of the regulations for oversized vehicle and RV parking in other Southern California cities:

Los Angeles

Vehicles longer than 17 feet are prohibited from parking in the Venice Beach parking lots. Oversized vehicles and RVs are allowed to park at Cabrillo Beach in San Pedro. There are no signs posted to convey these restrictions.

The City of Los Angeles is in the process of evaluating a one-year Safe Parking Pilot Program (SPPP) that allows individuals and families to reside in their vehicle legally outside of residential areas. They are considering allowing 75 parking spaces per council district that could be increased to 150. The proposed parking areas must be 500 feet away from schools. They are looking to identify 21 Safe Parking Zones (SPZ) – one for each police district in the city. They are evaluating public parking lots but also considering private lots as well. The

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private lots could be administered by faith-based, non-profit or other organizations. The hours of operation have not been determined yet but could be 9:00 p.m. to 6:00 a.m. as other cities have done. Individuals would have to enroll in the program and not have current parking citations owed in addition to meeting other requirements. A parking citation service program for the homeless community is being considered to allow the homeless to conduct community service in-lieu of paying money for parking citations. The program is expected to be finalized this winter with implementation beginning in spring 2017. An initial appropriation of \$770,198 was made by the City Council to establish the program.

Santa Monica

The City of Santa Monica prohibits large vehicles (exceeding a width of eight feet, a height of eight feet or a length of 20 feet) from parking on city streets between 9 p.m. and 6 a.m. Overnight oversized vehicle parking permits can be obtained once every 30 days by residents wishing to park a non-commercial recreational vehicle. Commercial vehicles exceeding specified restrictions are prohibited from parking on residential streets at any time. Unattached trailers are prohibited from parking on any city or alley at any time unless they are in the process of loading or unloading. The City posts signs on all streets entering the City limits.

The City offers various permits for oversized vehicles. Temporary no parking signs are issued for the purpose of reserving on-street parking spaces for moving trucks. Storage units require a use of public property permit. Residents may request a temporary oversized vehicle parking permit for non-commercial recreational vehicle in a residential area. Any vehicle that is longer, taller, wider or heavier than specified thresholds is considered oversized and must have an oversize load permit.

Oversized vehicles are allowed in beach parking lots and have the same time restrictions as passenger vehicles. On-street parking is typically metered or residentially zoned.

Santa Barbara

The purpose of the oversized vehicle restriction parking ordinance is to reduce negative traffic safety impacts associated with oversized vehicles parking on city streets. Sight distance is the key concern mentioned. The City plans to install 370 signs at entrances to the city, along major streets and at entrances to neighborhoods from major streets. Some streets adjacent to the coast are posted with "No RV Parking" signs.

The City of Santa Barbara defines oversized vehicles as exceeding 25 feet long, 80 inches wide or 82 inches tall. The restriction is in effect on all streets in the city. Permits can be obtained to park an oversized vehicle for up to five days. The applicant has to own the vehicle and be either a resident, with a commercial business near where the vehicle will be parked, or a non-resident temporarily visiting a residence with the resident's permission. The permits are available for up to 10 days every 90 calendar days.

The New Beginnings Counseling Center administers a Safe Parking Program through a \$270,000 contract with the City of Santa Barbara. The program provides 115 safe overnight parking spaces at city, county, church or non-profit agency parking lots. Owners must provide proof of a current driver's license, registration and insurance.

Lakewood

The City of Lakewood requires permits for all RVs and trailers parked on the streets. Owners of vehicles registered to Lakewood addresses can apply for free daily permits. A maximum of three consecutive daily permits can be requested (longer permits are available only for medical hardships). The maximum number of daily permits available for a Lakewood registered RV is 52 per year, or 104 if a household owns two or more RVs. There are no signs posted to convey these restrictions.

RVs and trailers not registered to a Lakewood address cannot park on streets without a temporary permit. To accommodate "short-term needs" for visitors, Lakewood residents can request a free, temporary on-street parking permit. The request must be made in advance by the resident in front of whose home the RV or trailer will be parked. A maximum of 30 days of on-street parking per year can be permitted in increments not exceeding 14 days. The permit is not transferable.

Seal Beach

The City of Seal Beach prohibits the parking of any RV or trailer that exceeds a width of 80 inches on any street for a period longer than two hours, unless with a permit issued by the Police Department. Permits can be issued if "... the proposed parking will not adversely affect the subject neighborhood" and/or "... is necessary due to special circumstances," such as immobile vehicles due to accidents, mechanical failures, vehicles loading or unloading, or vehicles providing services to adjacent properties that would need more than two hours. No special consideration is given to parking in coastal zones. There are no signs posted to convey these restrictions.

RVs and trailers longer than 20 feet cannot be parked on any street between 2:00 a.m. and 5:00 a.m., unless with a permit. A non-motorized vehicle that has been detached from its motor vehicle cannot be parked at any time, unless with a permit. Permits can be issued by the Police Department if:

- Vehicle belongs to a house guest temporarily residing in the city (14 days max).
- Vehicle is newly purchased, or the resident is new to the property and a permanent parking place is being arranged (14 days max).
- Vehicle is used on a daily basis for work and on-premises parking is not reasonably possible (six months max).
- Vehicle and proposed parking is necessary for loading or unloading (one day max).

Huntington Beach

The City of Huntington Beach prohibits the parking of oversized vehicles (over 25 feet), RVs (over 20 feet), and any unattached trailer on all public streets or highways. RVs are allowed to be parked in a reasonable proximity to a park between the hours of 6:00 a.m. and 9:00 p.m. Unattached trailers may be parked for a period not to exceed four hours. Parking of RVs is prohibited in commercial or industrial districts between the hours of 9:00 p.m. and 6:00 a.m. There are no signs posted to convey these restrictions. No special consideration is given to parking in coastal zones.

Residents can request free daily permits for their property frontage from the Police Department. A maximum of 12 permits can be requested each month, and only three of those can be used consecutively (except for medical reasons, six months max).

The Police Department can also issue a 45 day permit for any oversized motor vehicle parked while being used in performing services or repairs on residential property. This cannot exceed 90 days in a 12-month period.

Newport Beach

The City of Newport Beach prohibits parking of large motor vehicles (over 22 feet) or non-motorized vehicles on public streets, highways, or alleys, with the following exceptions:

- Large motor vehicles parked adjacent to the owner's residence are allowed for the purposes of loading, unloading, cleaning, battery-charging, or other activity preparatory or incidental to travel for a period of time not to exceed 24 consecutive hours. This can be extended to a maximum of 72 hours by the Police Department.
- Vehicles displaying authorized placards or license plates for physically handicapped or disabled persons are exempt.

No special consideration is given to parking in coastal zones. There are no signs posted to convey these restrictions.

Costa Mesa

The City of Costa Mesa prohibits parking of large motor vehicles (over 22 feet) or non-motorized vehicles on public streets, highways, or alleys, with the following exceptions:

- Large motor vehicles parked adjacent to the owner's residence are allowed for the purposes of loading, unloading, cleaning, battery-charging, or other activity preparatory or incidental to travel for a period of time not to exceed 48 consecutive hours. The vehicle must be parked adjacent to the address where it is registered. This can be extended once for an extra 24 hours by the Police Department.
- A spot that has been occupied by a large motor vehicle or RV using a permit shall not be used for at least 48 hours afterwards by that same vehicle. Back to back permits cannot be requested.

There are no signs posted to convey these restrictions.

Fountain Valley

The City of Fountain Valley's regulations apply to vehicles longer than 22 feet, which may include RVs.

No RVs shall stop or park on streets with curb-to-curb widths of less than 40 feet. An RV parking permit is required prior to parking an RV on any city street. An RV parking permit is available for Fountain Valley residents and allows residents to use their property frontage for loading, unloading and other short-term uses. It is valid for 36 hours from the time of issuance

and no more than eight permits may be obtained each month. More than one permit can be requested at one time, but no RV can be parked in excess of 72 hours regardless of the number of permits it has.

A spot that has been occupied by a large motor vehicle or RV using a permit shall not be used for at least 48 hours afterwards by that same vehicle. Back-to-back permits cannot be requested. There are no signs posted to convey these restrictions.

A permit can be requested for visitor RV parking by a guest/resident for a period of 24 hours. No more than three such periods are allowed per month per residence. Such permits may only be issued to persons visiting a resident within the city, and such visitor must provide proof that the driver of the RV resides outside the city. Medical necessities are exceptions.

Westminster

No RV shall park on any street or alley for more than 24 consecutive hours. RVs may not be re-parked at any location within two-tenths of a mile from any prior parking location used within the preceding 24 hours for any length of time.

Non-motorized vehicles may be parked for the sole purpose of actively loading and unloading for a period of time not to exceed 24 consecutive hours. The City has signs installed at entrances to the city to convey oversized vehicle and RV restrictions.

Businesses Providing RV Parking

Before considering any changes to the City's regulations for the parking of oversized vehicles and RVs, it is important to note that there are a number of local businesses that provide on-site RV parking for a fee. Fees range from \$110 to \$306 per month depending on the size of the vehicle being stored. The following is a partial list of these businesses:

- Coast Storage Co.
- Paramount Carson RV & Boat Storage
- Temple Storage
- Cherry-Carson RV & Self Storage
- Pouch Self Storage
- Affordable RV Storage
- Studebaker Self Storage
- Lakewood RV Storage
- H&M RV Storage

Lastly, many Wal-Mart stores across the country allow overnight parking for RVs, but this activity is prohibited at the two Wal-Mart stores within Long Beach due to the zoning restrictions found in the LBMC.

Recommendations

Currently, the City approaches parking restrictions on a case-by-case basis. This results in a staff-intensive and inconsistent approach. Staff recommends a more focused approach and believes it is necessary to change elements of the LBMC to provide more clarity. The restriction of oversized vehicles and RVs on commercial streets should continue to take place by evaluating each street individually. Further, any modifications should provide consistency throughout the City and minimize the cost of enforcement.

Specific changes to the LBMC should include:

- A prohibition against permanent parking of oversized vehicles and RVs within the City right-of-way in residential neighborhoods. Vehicles parked longer than the temporary permitted time on private residential property must be behind a gate. Fountain Valley and Huntington Beach currently enforce this.
- Exceptions can be made for loading and unloading of oversized vehicles and RVs. The exception will be for a maximum period of 72 hours – an increase from the current maximum of 48 hours. Free permits for the exception can be obtained online through the City's website. Suggest allowing 20 permits per year.
- Change the minimum length of an oversized vehicle from 20 feet to 22 feet to exclude pick-up trucks and sport utility vehicles. Boats and trailers would be subject to these limits.
- Change the permit approval of oversized vehicles from the Fire Department to the City Traffic Engineer.
- Allow posting of parking prohibition signs to only be required at City entrance streets and not require posting on every street. To notify Long Beach residents, a mailer will be included with City utility bills and information will be posted to the City's website and social media outlets.
- Allow parking to continue within certain commercial/industrial areas of the City with limitations as determined by the City Traffic Engineer.

Fiscal Impact

The cost for Public Works staff to post signs at City entry points would be \$18,000. Enforcement of this restriction would be complaint-based, no additional staffing or enforcement costs would be necessary. The City does not currently possess a permit processing software and would need to research options and pricing for implementation. Educational material would cost approximately \$20,000 for development and mailing of an informational flyer to residents.

Next Steps

The above-described changes to the LBMC create a uniform oversized vehicle and RV restriction and permitting program that will create consistency citywide. Staff will schedule an item for the City Council's consideration to adopt LBMC changes consistent with the above recommendations, and request the City Attorney to prepare, and return to the City Council, with an ordinance making such changes.

CB:EW:JC

CC: CHARLES PARKIN, CITY ATTORNEY
LAURA L. DOUD, CITY AUDITOR
TOM MODICA, ASSISTANT CITY MANAGER
ANITRA DEMPSEY, INTERIM DEPUTY CITY MANAGER
REBECCA JIMENEZ, ASSISTANT TO THE CITY MANAGER
CITY CLERK (REF. FILE #S: 15-1051 AND 16-0876)
DEPARTMENT HEADS
CITY CLERK (REF. FILE #S: 15-1051 AND 16-0876)